

# **Exhibit 3**

Deposition of Imtiaz Ahmad / February 16, 2011

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

CITY OF FRESNO,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 04 CIV. 4973
	)	(SAS)MDL 1358
CHEVRON U.S.A. INC., et al.,	)	
	)	
Defendants.	)	
	)	

DEPOSITION OF  
IMTIAZ AHMAD  
FREMONT, CALIFORNIA  
WEDNESDAY, FEBRUARY 16, 2011

DEPOBOOK REPORTING SERVICES  
Certified Shorthand Reporters  
1600 G Street, Suite 101  
Modesto, California 95354  
800-830-8885

REPORTER: DENISE WHEELER, CSR NO. 8254

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1 A. No, no, I did not.

2 Q. Okay. Let me ask you about the 4205 East Olive for  
3 a moment. Did you have a gas station at that site?

4 A. There's -- there's a gas station, yes.

5 Q. Can you describe for us what was your affiliation  
6 with the station at 4205 East Olive?

7 A. I think what -- what I need to give you some  
8 background on this issue. We bought five gas stations from  
9 Ultramar at that time. And because of the SB rules and the  
10 way the loan works, we ended up splitting the five gas  
11 stations into two groups, Petro Group I and Petro Group II.  
12 Petro Group I had 4205 East Olive, and then there's another  
13 gas station on the corner of -- it's also on Olive Avenue --  
14 4205 East Olive and the cross street is Fresno on this one.  
15 The other one is also Olive and -- wow. This -- it's across  
16 from the airport in Fresno. Olive and Peach. There you go.  
17 So those were two that were in part one, Petro Group I, and  
18 2139 South Elm in Fresno. And there was one in Coalinga and  
19 one in Hollister, they were Petro Group II. So that's the  
20 association.

21 Q. Now, I have some documents here. We can talk  
22 about. I think most of what I have is focusing on the Elm  
23 station. For shorthand can we -- I know you said there were  
24 two on Olive. If we say Elm station, we're referring to  
25 2139 South Elm; is that fair?

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1 A. Um-hmm.

2 Q. Is that --

3 A. That would be fine, yes.

4 Q. You said um-hmm, so --

5 A. Yeah, I'm sorry. Sorry.

6 Q. And if we say Olive, can that refer to the station  
7 at 4205 East Olive?

8 A. Yes.

9 Q. During the years that Petro Group I had the station  
10 on Olive, can you describe for us what years that was?

11 A. I believe we took it over on October 29 at these  
12 locations. And we operated that location until '97 when we  
13 sold it out to some other people. And up to that time part  
14 of the time it was branded as Beacon, and I think about  
15 after three or four years we would become independent.

16 Q. I'm sorry, what year did you acquire the Olive  
17 station?

18 A. I believe we took it over at some time October 29,  
19 1991.

20 Q. And let's stick with the Olive station for a moment  
21 so it was branded Beacon when you took it over?

22 A. Yes.

23 Q. And then after a few years became independent. So  
24 did it have any name on it at that time?

25 A. It did have a name. So just give me a moment.

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1 MR. DAVIS: Evan, I'm sorry to interrupt. This is  
2 Sammy Davis on the phone. My connection broke up for a  
3 moment. What was the address? There's a couple on Olive  
4 here on your list.

5 MR. EICKMEYER: One on Olive on the list 4205 East  
6 Olive. So that's the one we're talking about now.

7 MR. DAVIS: Thank you.

8 THE WITNESS: I know you're asking me the name --  
9 the brand name. Valley Gasoline.

10 MR. EICKMEYER: Q. After Valley Gasoline did it  
11 ever change brands up until you sold that station?

12 A. No.

13 Q. Who was the refiner supplying gasoline to that  
14 station on Olive?

15 A. In the beginning the Ultramar was doing it. And  
16 then when we became independent, we bought from Total Energy  
17 out of Sacramento. And then another outfit in south San  
18 Francisco called -- Sabek Oil, S-A-B-E-K, Oil out of South  
19 San Francisco. But a majority of the gasoline came from  
20 Total at that time.

21 Q. Do you recall who the jobbers were that were  
22 supplying gasoline to the Olive station? The trucking  
23 companies or jobbers?

24 A. With the Ultramar, they were their own jobbers.  
25 Ultramar had their own gasoline. And then when you said

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1 jobber, Total is a jobber. Total is a jobber. Sabek is a  
2 jobber or wholesaler. That's what you want to call them.

3 Q. Yeah. I'm not familiar with Sabek and that, so I  
4 didn't know if they used other jobbers. They made their own  
5 deliveries; is what you're saying?

6 A. He made his own deliveries, yeah. He made his own  
7 deliveries.

8 Q. Let's go to the station on Elm. If you're ever not  
9 clear which station, please let me know. And I'll try to  
10 make it clear.

11 A. Okay.

12 Q. When you described it earlier, I think you said it  
13 was Petro Group II then acquired the station on Elm?

14 A. That is correct.

15 Q. Do you recall when that was?

16 A. 2139 that was part of Group II.

17 Q. Do you recall when that was acquired?

18 A. That was acquired, like I said, October 29, 2000 --  
19 1991. I'm sorry.

20 Q. I think you described the five stations were bought  
21 at the same time?

22 A. They were bought the same day.

23 Q. And do you remember when the Petro Group sold or  
24 divested the Elm station?

25 A. I believe this got sold first, so this was sold

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1 probably sometime toward the end of 1996.

2 Q. Do you recall what the Elm station was branded?

3 A. It was branded Arco.

4 Q. Was that during the entire time you had it?

5 A. No. I think when we -- it was branded Arco I would  
6 say three, four years. And then when we -- then we left  
7 Ultramar, then we left -- we let Arco sign go, too.

8 Q. Did that Elm station also became Valley Gasoline?

9 A. Yes, it did.

10 Q. And so that was about the same time?

11 A. About the same time, yes.

12 Q. You left Ultramar?

13 A. Yes, within a few months it was let go.

14 Q. Who was supplying the gasoline when it was an  
15 Ultramar station?

16 A. Ultramar did because Ultramar were Arco's jobber,  
17 so they supplied the gas.

18 Q. To your knowledge was Ultramar also the refiner of  
19 the gasoline they were providing?

20 MR. PATTON: This is Ben Patton on the phone.

21 Objection. Calls for speculation.

22 THE WITNESS: My understanding -- my understanding  
23 is that Ultramar had a refinery back south. And the way you  
24 guys do it or the whole supply exchange and all that, the  
25 gasoline that we got came out of either Sacramento or out of

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1 Fresno terminal. So I don't know whose gas was it. That I  
2 would not know.

3 MR. EICKMEYER: Q. How about when the Elm station  
4 was branded Valley Gas, who was supplying the gasoline at  
5 that time?

6 A. Total Energy and Sabek Oil.

7 Q. When Total and Sabek were providing gas to the Elm  
8 station, do you know who the refiner was of that gas?

9 A. No, I don't.

10 Q. Let me ask the same question for the Olive station.  
11 Do you know who the refiner was of gas provided to the Olive  
12 station by Total or Sabek?

13 A. No, I would not.

14 (Exhibit No. 2 was marked for  
15 identification.)

16 MR. EICKMEYER: Q. I'm handing you Exhibit 2.  
17 This is County of Fresno Environmental Health Application,  
18 Bates FCDEH hyphen Fresno hyphen 003657 titled Business Name  
19 Beacon Service Station and Ultramar address 2139 South Elm.  
20 Do you recall ever seeing this form before?

21 A. Yes.

22 Q. Now, I understand we have your wife's deposition  
23 coming later today. Do you recognize the name about halfway  
24 down, signature, it looks like Shirley McMurphy?

25 A. Yes.



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1 know.

2 Q. Is that Mr. or Ms. Eiro?

3 A. Mr. Eiro.

4 Q. Were the people you named in Petro Group II also  
5 partners in Petro Group I?

6 A. For -- for legal purposes we were all as one group.  
7 The way -- for SB purposes we did this way, okay. So when  
8 we did the taxes, we -- we did it like all five belong to  
9 one partner, and the same group belong to the other partner  
10 also because we all owned together. So this is done only  
11 for SB purposes.

12 Q. So as far as you considered the ownership everyone  
13 was a partner in each of the groups?

14 A. That is correct.

15 Q. An indication about the middle of the page under  
16 your wife's signature it looks like it's checked business  
17 name change and ownership change. So would this indicate  
18 approximately the time that you indicated the station was  
19 bought from Ultramar?

20 A. That is correct. I think the actual date when we  
21 took it over was around 29th of October, I believe, '91.  
22 These are permits or application to acquire the station.

23 (Exhibit No. 3 and 4 were marked  
24 for identification.)

25 MR. EICKMEYER: Q. I'm going to hand you what

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1 Q. Okay. Set that document aside.

2 (Exhibit No. 21 was marked for  
3 identification.)

4 MR. EICKMEYER: Q. Handing you Exhibit 21. This  
5 is -- has the Ultramar logo May 8th, 1991, Bates RWQCB  
6 hyphen Fresno hyphen 001265 through 1313. I'm going to ask  
7 you, Mr. Ahmad, if you received a copy of this report when  
8 Petro Group took over the station?

9 MS. MOTAMED: I'm sorry, I don't think I got one.

10 MR. EICKMEYER: Oh.

11 THE WITNESS: Yes. Yes, we did receive a report on  
12 this one.

13 MR. EICKMEYER: Q. When you received this report,  
14 do you recall having any -- having any discussions with  
15 anyone at Beacon about what was found at the station?

16 A. No, sir. Like I said earlier to you, I'm not a  
17 scientist. So I have no idea what these reports mean other  
18 than the assurance was given to us that all the properties  
19 were contamination free. And we simply got those reports  
20 and submitted to the SBA for their -- for their review and  
21 approval.

22 Q. When you say assurances the properties were  
23 contamination free, that was told to you by someone at  
24 Beacon or Ultramar?

25 A. Beacon.

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1 actual scheduling reasons for it, but I apologize for it  
2 being somewhat awkward.

3 Can you hear me?

4 A. I can hear you pretty good at this point.

5 Q. As I said in the beginning, I represent the Valero  
6 defendants in this case, and I just wanted to clarify a few  
7 things you discussed with Mr. Eickmeyer if that's okay?

8 A. That's okay with me.

9 Q. I know that you said that after Petro Group II  
10 purchased the Elm Street station from Ultramar, that it was  
11 Beacon and Ultramar gasoline that was delivered to the  
12 station; is that correct?

13 A. That is correct.

14 Q. And do you recall if there was a specific agreement  
15 between Petro Group II and Ultramar that allowed for that  
16 delivery of gasoline?

17 A. I believe we signed the -- what do you guys call in  
18 this business branded versus not branded gasoline, so that  
19 particular place was branded as Beacon, so we signed a  
20 contract with them.

21 Q. Like a brand distribution marketing agreement,  
22 something like that?

23 A. Yes.

24 Q. Okay. And do you recall if there was a specific  
25 number of years that that was set for?

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1           A. That I don't know. I think it was three-year  
2 agreement or five-year agreement.

3           Q. Okay. And do you recall if there was any other  
4 specific terms in that agreement, whether there were  
5 specific amounts of gasoline specified or whether it set out  
6 other requirements for either party?

7           A. I believe we couldn't buy from anybody else other  
8 than Ultramar during -- during the product term.

9           Q. Okay. And I believe that you just told my  
10 associate -- my colleague that you ceased the brand name  
11 agreement in 1995; is that correct?

12          A. That is correct.

13          Q. And at that time you stopped accepting Beacon or  
14 Ultramar gasoline at the station; is that correct?

15          A. That's right.

16          Q. And did you have Beacon or Ultramar signs at the  
17 station, do you recall?

18          A. After we stopped buying from Beacon?

19          Q. When you were buying from Beacon?

20          A. Yeah, every time -- yeah, so -- so while we were  
21 buying from Beacon, what we were called in the market is  
22 called branded location -- so as such we were branded  
23 Beacon. So every location had a sign called Ultramar Beacon  
24 sign. And this particular location had an Arco sign.

25          Q. Okay. And do you recall if you needed new gasoline

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

CITY OF FRESNO,

Plaintiff,

vs.

CHEVRON U.S.A. INC., et al.,

Defendants.

No. 04 CIV. 4973  
(SAS)MDL 1358

DEPOSITION OF

SHIRLEY McMURPHY AHMAD

FREMONT, CALIFORNIA

WEDNESDAY, FEBRUARY 16, 2011

DEPOBOOK REPORTING SERVICES

Certified Shorthand Reporters

1600 G Street, Suite 101

Modesto, California 95354

800-830-8885

REPORTER: DENISE WHEELER, CSR NO. 8254

Deposition of Shirley McMurphy Ahmad / February 16, 2011

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1 Q. So that's the only one you recognize is 2139 South  
2 Elm Avenue in Fresno?

3 A. That's right.

4 Q. Can we call that the Elm station for short?

5 A. All right.

6 Q. I understand from your husband that there were  
7 several stations in Fresno and different cities that you  
8 were affiliated with?

9 A. That's right.

10 Q. Did you have a chance to determine if you had any  
11 of the documents that were requested in this attachment?

12 A. We had every single document from day one until  
13 about a year ago. And then because we had it in a storage  
14 unit and we were paying \$200 a month for the storage unit,  
15 we decided we don't need these any more, and we had Shred It  
16 come, and they shredded everything. So until about a year  
17 ago we had everything.

18 Q. So presently then you don't have --

19 A. We don't have anything left, no.

20 Q. And you didn't bring any documents with you here  
21 today?

22 A. No.

23 Q. Your husband described, and please correct me if --  
24 I'm just trying to make things a little bit faster. But if  
25 your memory is different than his or if I state something

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1 Q. Go ahead.

2 A. I really don't know who the refinery was.

3 Q. Do you recall ever seeing tanker trucks delivering  
4 gasoline to the station?

5 A. Oh, I'm sure they -- they came. See, I lived in  
6 Fremont, and so I very seldom was at Fresno. And I paid all  
7 the bills. I did all the bookkeeping. Every day they would  
8 have, you know, the sales report. Then I would put it in  
9 the computer. So I had the five gas stations to take care  
10 of. Then we had our own business and our personal, and then  
11 I had a little one at the time, and so I was pretty busy  
12 just taking care of that part. So I really wasn't in Fresno  
13 that often. And because of that particular location wasn't  
14 the best area, I just didn't go there that often.

15 So I don't know if I remember seeing a tanker truck  
16 at that location. I know I did at other locations. We were  
17 at other locations more often than that one.

18 Q. When you mentioned -- I think you described  
19 handling the paperwork for the station, did you ever see any  
20 paperwork indicating what company or companies were  
21 delivering gasoline to that station?

22 A. I really don't remember.

23 Q. You mentioned the station was initially branded  
24 Beacon I think you said?

25 A. That's correct.

1 were, you know, going through the whole thing and  
2 inventories and all that. So I know we bought them from  
3 Beacon.

4 Q. Do you remember who you dealt with at Beacon as  
5 part of that purchase process?

6 A. I don't. I didn't really deal with them. My  
7 husband did.

8 Q. Is it your understanding that the gasoline then was  
9 initially supplied by Beacon, and then their name switched  
10 to Ultramar at some point.

11 A. That's what I'm thinking, yes.

12 Q. At some point did the brand of the station change  
13 to Valley Gasoline?

14 A. Yes, that happened later.

15 Q. Do you have a knowledge as to who supplied gasoline  
16 during the time the station was called Valley Gasoline?

17 A. I'm not sure. My husband would know. I don't  
18 know.

19 Q. Your husband mentioned some companies call Total  
20 Energy and Sabek Oil?

21 A. Okay. Yes.

22 Q. Those are familiar?

23 A. Yes.

24 Q. Do you recall any other companies besides those two  
25 that might have supplied gasoline to the station when it was



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1 called Valley Gasoline?

2 A. I'm sorry?

3 Q. Do you remember any other companies besides those  
4 two, Total Energy and Sabek Oil who supplied gasoline to the  
5 station when it was called Valley Gasoline?

6 A. If you say some names, maybe I would know. But I  
7 just don't remember offhand. Like when you said Sabek and  
8 Total, then I knew, yes.

9 Q. So you don't recall any other names besides those  
10 two?

11 A. Not offhand. It's been a long time.

12 Q. Sure. We just want to get your best recollection,  
13 so what you can remember.

14 I'm going to show you what I'm marking as  
15 Exhibit 2. I'm sorry, I'll try to get it close to you  
16 there.

17 (Exhibit No. 2 was marked for  
18 identification.)

19 MR. EICKMEYER: Q. This was also Exhibit 2 to  
20 your husband's. This is County of Fresno Environmental  
21 Health Application, Bates FCDEH hyphen Fresno hyphen 003657.  
22 I want to ask you, Ms. Ahmad, if you look to about the  
23 center of the page toward the left, do you recognize that as  
24 being your signature?

25 A. Yes.

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1 MR. EICKMEYER: Q. I'm handing you what I've  
2 marked as Exhibit 6. This was not used for your husband's  
3 deposition. This is -- has your name at the top Shirley  
4 McMurphy, EA, dated May 31, 1994, Bates RWQCB hyphen Fresno  
5 hyphen 001509. Do you recognize your signature at the  
6 bottom of this page?

7 I'm sorry, I didn't hear you if you answered. I  
8 asked you do you recognize your signature at the bottom of  
9 this page.

10 A. Yes. Yes.

11 Q. And does this letter appear to be in your writing?

12 A. Yes.

13 Q. And would this indicate changing stations from  
14 Beacon Service Stations to Valley Gas, indicate that the  
15 change of names would have happened at approximately the  
16 date of this letter, May 31st, 1994?

17 A. Yes.

18 Q. So from the -- I see the designation at the -- at  
19 the top of this page shows EA, that you're enrolled to  
20 represent taxpayers before the IRS?

21 A. That's correct.

22 Q. So is that also -- I think your husband described  
23 you as a CPA. So you were also in the accounting business  
24 before the gas stations were acquired?

25 A. That's right.



Dec 5 2011  
3:49PM

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re: Methyl Tertiary Butyl Ether ("MTBE")      Master File No. 1:00-1898  
Products Liability Litigation      MDL 1358 (SAS)  
M21-88

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**This Document Relates to:**

*City of Fresno v. Chevron U.S.A Inc., et al.*  
*No. 04 Civ. 04973 (SAS)*

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**Expert Site Specific Report of Marcel Moreau**

Marcel Moreau Associates  
Portland, Maine

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*Marcel Moreau*

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November 2, 2011

## Fresno Valley Gas

2139 South Elm St., Fresno

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**Note:** Station known as Beacon Station No. 528, Ultramar Station No. 538, and Arco/Ultramart.

### MAJOR MILESTONES

1975	Three 10,000-gallon steel tanks and piping were installed, with no overfill protection or spill containment [undated document].
Nov 18, 1985	A new convenience store building was reportedly completed, and one dispenser island was removed.
April 17, 1991	Three soil borings were drilled to evaluate petroleum hydrocarbons in soil and groundwater at the site as part of a real estate transaction. Petroleum hydrocarbons were not found in soil samples; groundwater was not encountered.
April 17, 1992	Several piping leaks were discovered via a helium test.
Dec 8, 1998	New construction permit application included removal of the surface cover to the tanks, internal sandblasting and coating, installation of cathodic protection, installation of a Veeder Root tank monitor and line leak detection.
Oct 25, 1999	A line leak was discovered by helium testing.
Nov 29, 1999	A soil sample collected on the north side of the southern dispenser island, where a hole in a pipe was discovered and repaired, was found to contain 31,000,000 ppb TPHg and 920,000 ppb MtBE.
Mar 2004	Bravo boxes were added beneath the dispensers. Dispenser containment not present previously [6 26 2003].
May 18, 2004	Shallow soil beneath the dispensers was reportedly “significantly impacted by fuel hydrocarbons”, with a maximum MtBE concentration of 164,000 ppb. Additional investigation was recommended.

- Jun 20, 2007 Official Inspection Report notes: "Facility still under piping replacement and under red tag regulation. Business is still closed." No other references to red tag were reviewed.
- Feb 28, 2008 A final construction inspection report documented the presence of:
- Single-wall steel USTs, with lining and cathodic protection.
  - Overspill and overfill prevention.
  - DW FRP piping, with continuous monitoring.

### **SPILL/LEAK EVENT CHRONOLOGY**

- Aug 14, 1989 A tightness testing report noted a leak at dispenser #4 in the vapor line and a leak at dispenser #6. The unleaded turbine was also found to be leaking.
- Aug 21, 1989 An interoffice memo questioned the accuracy of some of the Aug 1989 test results. Further testing confirmed a leak in the premium NL line and the NL turbine, and both were repaired. [8/25/1989]
- Sept 8, 1989 A letter to Fresno County stated that the super line failed PetroTite line testing on Aug 14, 1989. The line was uncovered and repaired and passed a line test on 8/15/1989.
- Oct 5, 1990 Tank test results indicated a loss of -0.403 on the premium unleaded.
- Oct 25, 1990 Inspection Report documented that the super NL product line was repaired; the overfill protection, fill pipe, and vent pipe were also replaced.
- April 17, 1992 Official Inspection Report: An assessment of the exposed piping indicated that the metal piping was rusted and corroding; several leaks in the piping were found via a helium test. One leak was reportedly detected at the dispenser riser and another at the fill box.
- July 30, 1999 Official Inspection Report: Inspector noted that gasoline was being dispensed at the NL pumps, in violation of an order not to dispense fuel until the dispenser had been repaired, tested, and approved.
- Oct 25, 1999 A line leak, discovered by helium testing, was reported on the south island in front of the canopy column.
- Nov 5, 1999 UST Installation Inspection Record: Because of a leak (see Oct 25, 1999), the 87 NL piping was replaced between the southern dispenser

island and the market. A soil sample was collected for TPHg, BTEX and MtBE analysis, and strong odors were noted.

#### **SOIL/GROUNDWATER CONTAMINATION CHRONOLOGY**

April 17, 1991	Subsurface Environmental Investigation Report: Three soil borings (B1 to B3) were drilled to 35 to 50 ft bgs (max depth) to evaluate petroleum hydrocarbons in soil and groundwater at the site as part of a real estate transaction. Soil samples were analyzed for TPHg and BTEX, and the results were ND for the most part (two toluene hits at 15 ft bgs). Groundwater was not encountered. [5/8/1991]
Nov 29, 1999	Soil sample S-1 was collected at 5 ft bgs on 11/5/1999 on the north side of the southern dispenser island, where a hole in a pipe was discovered and repaired. The sample was found to contain 31,000,000 ppb TPHg and 920,000 ppb MtBE.
May 18, 2004	Soil samples were collected from beneath the six dispensers at the site on March 19 and 30, 2004, and tested for TPHg, BTEX, MtBE, and other oxygenates. The soil beneath the dispensers was reportedly "significantly impacted by fuel hydrocarbons." Four of six samples had TPHg levels greater than 1,000,000 ppb. The highest concentrations were in samples taken at the southern dispenser island at 4 ft bgs; the maximum TPHg concentration was 6,022,000 ppb and the maximum MtBE concentration was 164,000 ppb. Another sample from the southern dispenser island had 38,000 ppb MtBE. One sample from the northern dispenser island had 5,000 ppb of MtBE. Additional investigation was recommended.
April 9, 2007	Results of Soil Sampling Report: Soil samples were collected during the removal of the dispenser system in Dec 2006, but the results were never reported. Nine samples were collected with hand augers in February of 2007. MtBE was detected in two samples from the southern dispenser island, at 24 ppb and 27,000 ppb.

#### **IDENTIFICATION OF MTBE RELEASES**

##### Tank Area Releases

The unleaded turbine pump was observed to be leaking in August of 1989 and repaired shortly thereafter. When this release began is not known. The volume released is not known. MtBE was not commonly present in California gasoline in 1989, so it is unlikely that this release

contributed to the MtBE contamination at this facility.

A leak in a fill riser was detected and repaired in April of 1992. When this release began is not known. The volume released is not known. MtBE was not commonly present in California gasoline in the spring of 1992, so it is unlikely that this release contributed to the MtBE contamination at this facility.

#### Piping and Dispenser Area Releases

Releases were observed in the piping associated with dispensers #4 and #6 in August of 1989 and repaired shortly thereafter. Releases from dispensers are common (see general report in this case). When these releases began is not known. The volume released is not known. MtBE was not commonly present in California gasoline in 1989, so it is unlikely that these releases contributed to the MtBE contamination at this facility.

A piping leak in a premium dispenser was detected and repaired in October of 1990. Releases from dispensers are common (see general report in this case). When this release began is not known. The volume released is not known. MtBE was not commonly present in California gasoline in 1990, so it is unlikely that this release contributed to the MtBE contamination at this facility.

A piping leak in a dispenser riser was detected and repaired in April of 1992. Releases from dispensers and adjacent piping are common (see general report in this case). When this release began is not known. The volume released is not known. MtBE was not commonly present in California gasoline in the spring of 1992, so it is unlikely that this release contributed to the MtBE contamination at this facility.

A leak in the unleaded line was repaired in August of 1999. Unleaded fuel was apparently being dispensed despite the leak. The exact location of the leak is not known. When this release began is not known. The volume released is not known. MtBE was commonly present in California gasoline in 1999, so it is likely that this release contributed to the MtBE contamination at this facility.

A piping leak near the southern dispenser islands was repaired in November of 1999, and MtBE contaminated soil was detected. When the leak began is not known. The volume of the release is not known.

MtBE was detected in three of six soil samples collected in March of 2004 from beneath the dispensers at the site. When these releases occurred is not known, but they likely occurred intermittently between the fall of 1992 when MtBE was first required to be present in Fresno County gasoline,<sup>1</sup> and 2003 when MtBE was removed from California gasoline. The exact

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<sup>1</sup> "Areas Participating in the Oxygenated Gasoline Program," Energy Information Administration, Department of Energy, <http://www.eia.gov/steo/special/oxy2.html#Original>, accessed on 9/15/2011.

dispenser components that leaked are not known, but dispensers and adjacent piping are frequent sources of releases (see general report in this case). The amount released is not known.

MtBE was detected in two of nine soil samples collected in February of 2007 from beneath the dispensers at the site. When these releases occurred is not known, but they likely occurred intermittently between the fall of 1992 when MtBE was first required to be present in Fresno County gasoline,<sup>2</sup> and 2003 when MtBE was removed from California gasoline. The exact components that leaked are not known, but dispensers and adjacent piping are frequent sources of releases (see general report in this case). The amount released is not known.

#### Customer Spills

Small spills are common during vehicle fueling activities and no doubt occurred throughout the time this facility was in operation. Fueling spills may have contributed to the MtBE contamination detected in the dispenser area at this facility.

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<sup>2</sup> Ibid.





**Human Services System**  
 Department of Community Health  
 Gary M. Carozza, Director

Adult Services Department  
 Children & Family Services Department  
 Employment & Temporary Assistance Department

February 1, 2000

Petro Group II  
 39074 Mt. Vernon Avenue  
 Fremont, California 94538

Dear Sirs:

**SUBJECT:** *Leaking Underground Storage Tank Assessment/Cleanup*  
**LOCATION:** *2139 South Elm, Fresno, CA*

An inspection, sampling, or testing conducted at your underground storage tank facility indicates the presence of contamination. This preliminary evidence does not quantify, nor qualify the extent of contamination.

Within thirty (30) days of receipt of this notice you must notify our office of your progress towards assessment and possible cleanup of the site. We need to meet with you to discuss the scope of work required to cleanup your site. You may need to hire a qualified consultant, and so we have enclosed a fact sheet entitled "*Tips for Obtaining the Services of an Environmental Engineering Consulting Firm*" for your use.

The County of Fresno is responsible for overseeing your efforts and your consultant's efforts, to characterize and cleanup the contamination. Pursuant to *Title 23, Division 3, Chapter 16, Article 11 of the California Code of Regulations* you must demonstrate that the site poses no risk, nor potential risk to human health, or the environment. If groundwater contamination is found at your site, your case will be referred to the California Central Valley Regional Water Quality Control Board.

The Fresno County Environmental Health System fees which apply to Leaking Underground Storage Tank Remediation are described on the enclosed fact sheet entitled "*Contaminated Site Oversight Fees*." The management of the information associated with review of the cleanup efforts at the subject location will proceed most efficiently if the name and mailing address contained in our files is correct.

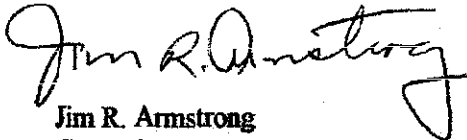
The County's oversight will help you to secure a certification from the County that all appropriate response actions have been completed and that the site poses no present or potential public health or environmental risk. Not only may such certification help you to secure insurance or transfer your property, also it will help to limit the potential liability presented by unknown contamination. The County is committed to ensuring a healthy environment for its citizens. We will work with you to secure an effective and efficient solution to the contamination of your property.

Petro Group II  
Leaking Underground Storage  
Tank Assessment/Cleanup  
February 1, 2000  
Page 2

We strongly encourage you to apply to the California Underground Storage Tank Cleanup Fund. The Cleanup Fund partially offsets the expense of site remediation by reimbursing eligible claimants for some of their cleanup costs and may be applicable in your case. Your case may also be eligible for **preapproval** of cleanup costs. Questions regarding how to determine if you are eligible for preapproval must be directed to the Cleanup Fund. Applications to the California Underground Storage Tank Cleanup Fund may be obtained by calling (916) 227-4307. Questions regarding eligibility for the Underground Storage Tank Cleanup Fund should be directed to the Cleanup Fund at (800) 813-FUND.

Please contact me at (559) 445-3271 between the hours of 8:00-9:00 a.m. and 3:00-4:00 p.m., within thirty (30) days to verify that the information contained in our files is correct and to schedule an appointment to meet in our office.

Sincerely,



Jim R. Armstrong  
Geologist  
Environmental Health System

JRA:csu

Enclosures

UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT			
<b>EMERGENCY</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		<b>HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED?</b> <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
<b>REPORT DATE</b> 01/24/00		<b>CASE #</b> 1-24-2000	
<b>REPORTED BY</b> NAME OF INDIVIDUAL FILING REPORT: HARRY YEE REPRESENTING: <input checked="" type="checkbox"/> LOCAL AGENCY <input type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> OTHER ADDRESS: 1221 FULTON MALL FRESNO CA 93721		<b>FOR LOCAL AGENCY USE ONLY</b> I HEREBY CERTIFY THAT I HAVE DISTRIBUTED THIS INFORMATION ACCORDING TO THE DISTRIBUTION SHOWN ON THE INSTRUCTION SHEET ON THE BACK PAGE OF THIS FORM. SIGNED: Harry Yee DATE: 1-24-2000	
<b>RESPONSIBLE PARTY</b> NAME: PETRO GROUP II <input type="checkbox"/> UNKNOWN ADDRESS: 39074 MT. VERNON AVE FREMONT CA 94538		CONTACT PERSON: AHMAD IMTIAZ PHONE: (510) 796-2212	
<b>SITE LOCATION</b> FACILITY NAME (IF APPLICABLE): VALLEY GAS ADDRESS: 2139 S. ELM FRESNO FRESNO 93706 CROSS STREET: CALIFORNIA		OPERATOR: PETRO GROUP II PHONE: (510) 796-2212	
<b>IMPLEMENTING AGENCIES</b> LOCAL AGENCY: FRESNO CO. ENV. HEALTH SYSTEM REGIONAL BOARD: CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD		CONTACT PERSON: JIM ARMSTRONG PHONE: (559) 445-3271 JOHN NOONAN PHONE: (559) 445-5116	
<b>SUBSTANCES INVOLVED</b> (1) GASOLINE (2)		QUANTITY LOST (GALLONS) <input type="checkbox"/> UNKNOWN	
<b>DISCOVERY/ABATEMENT</b> DATE DISCOVERED: 1/22/99 DATE DISCHARGE BEGAN: 1/10/99 HAS DISCHARGE BEEN STOPPED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE: 1/10/99		HOW DISCOVERED: <input type="checkbox"/> INVENTORY CONTROL <input checked="" type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> TANK TEST <input type="checkbox"/> TANK REMOVAL <input type="checkbox"/> NUISANCE CONDITIONS <input type="checkbox"/> OTHER METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY): <input type="checkbox"/> REMOVE CONTENTS <input type="checkbox"/> CLOSE TANK & REMOVE <input checked="" type="checkbox"/> REPAIR PIPING <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> CLOSE TANK & FILL IN PLACE <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> REPLACE TANK <input type="checkbox"/> OTHER	
<b>SOURCE/CAUSE</b> <input type="checkbox"/> TANK LEAK <input type="checkbox"/> UNKNOWN <input checked="" type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER		CAUSE(S): <input type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> SPILL <input type="checkbox"/> CORROSION <input type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER	
<b>CASE TYPE</b> <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/> SOIL ONLY <input type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER - (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)			
<b>CURRENT STATUS</b> CHECK ONE ONLY: <input type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT WORKPLAN SUBMITTED <input checked="" type="checkbox"/> POLLUTION CHARACTERIZATION <input type="checkbox"/> LEAK BEING CONFIRMED <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT UNDERWAY <input type="checkbox"/> POST CLEANUP MONITORING IN PROGRESS <input type="checkbox"/> REMEDIATION PLAN <input type="checkbox"/> CASE CLOSED (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> CLEANUP UNDERWAY			
<b>REMEDIAL ACTION</b> CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS): <input type="checkbox"/> CAP SITE (CD) <input type="checkbox"/> EXCAVATE & DISPOSE (ED) <input type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> ENHANCED BIO DEGRADATION (IT) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> REPLACE SUPPLY (RS) <input type="checkbox"/> VACUUM EXTRACT (VE) <input type="checkbox"/> NO ACTION REQUIRED (NA) <input type="checkbox"/> TREATMENT AT HOOKUP (HU) <input type="checkbox"/> VENT SOIL (VS) <input type="checkbox"/> OTHER (OT)			
<b>COMMENTS</b> FRESNO CO. COMMUNITY HEALTH DEPT. HAS REQUIRED THE SITE RESPONSIBLE PARTY TO SECURE THE SERVICES OF AN APPROVED ENGINEERING CONSULTING FIRM. S:ZUPA			

HSC 05 (8/90)

RP

RECEIVED

DEC 27 1999

DEPARTMENT OF COMMUNITY HEALTH  
ENVIRONMENTAL HEALTH SYSTEM

# ASREngineering, Inc.

GEOTECHNICAL • ENVIRONMENTAL • CONSTRUCTION TESTING

November 29, 1999

Job No. 17-99068

Mr. Jack Mendrin  
West Star Environmental Inc.  
4688 W. Jennifer, Suite 101  
Fresno, CA 93722

**Subject: Soil Sampling and Chemical Analyses Report  
Gasoline Piping Leak.  
Valley Gas  
2139 S. Elm Avenue,  
Fresno, California**

Dear Mr. Mendrin:

At your request, ASR Engineering, Inc. (ASR) has prepared this Report of Soil Sampling and Chemical Analyses for leaking underground pipeline within the Valley Gas located at 2139 S. Elm Avenue in Fresno, California.

## SCOPE OF SERVICES

The scope of services provided by ASR included:

- Collecting a confirmation soil sample from beneath the leaking pipeline.
- Submitting the collected soil samples to a State Certified analytical laboratory for chemical analyses.
- Preparing this report.

351 West Cromwell Avenue, Suite 106 • Fresno, CA 93711 • (559) 432-7575 • Fax (559) 432-7555

2897523

RWQCB-FRESNO-001258

## PROJECT DESCRIPTION

Reportedly, the property owner was experiencing loss of gasoline within the tank-dispenser system. Preliminary tests indicated loss of gasoline through the piping system. Excavation adjacent to and to the north of the dispensers revealed the presence of holes in one of the pipes. At the time of our arrival to the site West Star Environmental Inc. (West Star) had replaced the defected pipe. ASR collected a confirmation soil sample from beneath the pipe for chemical analyses (see Figure 1, Sampling Location Plan).

## SOIL SAMPLING

On November 5, 1999, ASR collected one confirmation soil sample from beneath the pipeline for chemical analyses. The soil sample was collected from a depth of about 5 feet below the dispenser island, and about 3 feet beneath the bottom of pipeline. The soil sample was collected from the approximate location recommended by Mr. Harry Yee Environmental Health Analyst with the Fresno County Health Service Agency (FCHSA). The soil sample was collected by means of hand sampling equipment by driving a sampler containing a 2-inch by 6-inch stainless steel tube into the soil. The sampling location is shown on Figures 1, Sampling Location Plan.

## SAMPLE HANDLING AND TRANSPORT

The soil sample was stored on-site in an ice chest and kept cool with "Blue-ice". The sample was transported on the day of sampling to BSK Analytical Laboratory (CAL/EPA Department of Toxic Substance Control certified laboratory) in Fresno, California. Proper chain-of-custody protocol was maintained throughout the transfer.

## SAMPLING TIME AND DATE

The soil sample was collected at 1:30 P.M., on November 5, 1999, and was delivered to the analytical laboratory at 4:29 P.M. on the day of sampling.

## SAMPLE CHAIN-OF-CUSTODY

The soil sample was accompanied to the analytical laboratory by a chain-of-custody form. Chain-of-custody form was initiated at the time of sampling. Duplicate chain-of-custody form was placed in the project file. Chain-of-custody documentation included the following information:

- > Name of sampler.
- > Sample I.D. number.
- > Time of sample acquisition.
- > Requested analyses.
- > Remarks as warranted.
- > Signatures, times and dates of custody transfer.

ASR Engineering, Inc.



Job No. 17-99068  
November 29, 1999  
Page 3

Sampling personnel were responsible for the protection and custody of the sample until it was relinquished. When sample custody was transferred, the respective individuals relinquishing and receiving the sample signed, dated, and recorded the time on the chain-of-custody form.

## LABORATORY ANALYSES

As recommended by Mr. Yee, the collected soil sample was analyzed for Total Petroleum Hydrocarbons as Gasoline (TPH-G), Benzene, Toluene, Ethylbenzene, Total Xylenes (BTEX), and Methyl-t-butyl Ether (MTBE). Chemical analysis data are attached to this report. A summary of the analysis data is presented in Table 1. The data indicate that high concentrations of gasoline hydrocarbon constituents were detected in the collected soil sample.

TABLE 1 SUMMARY OF CHEMICAL ANALYSES DATA Sampling Date: 11/05/99						
Sample Designation	B	E	T	X	TPH-G	MTBE
S-1, PL @ 5'	130	390	260	380	31000	920
<i>Results in mg/Kg or parts per million (ppm)</i> B= Benzene T= Toluene E= Ethylbenzene X= Total Xylene MTBE= Methyl-t-Butyl Ether TPH-G= Total Petroleum Hydrocarbons as Gasoline ND = None Detected						

## LIMITATIONS

This report has been prepared in accordance with the generally accepted standards of environmental practice in the area at the time the soil sample was collected. No soil engineering or environmental implications are stated or should be inferred. Evaluation of the conditions at the site is made from a limited sampling points. Subsurface conditions may vary away from the sampling locations. The report does not reflect variation away from the sampling points.

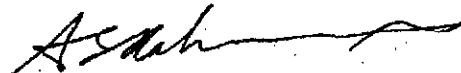
ASR Engineering, Inc.

Job No. 17-99068  
November 29, 1999  
Page 4

## CLOSURE

We appreciate the opportunity to assist you with this project. Should you have questions or need additional information, please contact the undersigned at (559) 432-7575.

Respectfully submitted,  
ASR Engineering, Inc.



A. Saboor Rahim, Ph.D., C.E., G.E.

Distribution: West Star Environmental Inc. (3 copies)



ASR Engineering, Inc.

C/N



**4688 W. Jennifer, Suite 101, Fresno, CA 93722**  
**(559) 277-9378 / Fax (559) 277-0106**  
**License No. 605142 A-Haz**

October 25, 1999

Fresno County Environmental Health Dept.  
P.O. Box 11867  
Fresno, CA 93775

Re: Piping Repair Permit

A leak was detected on the south island in front of the canopy column. The leak was discovered by helium testing. There is approximately 75' of piping from the tank to the dispenser. West Star Environmental, Inc. will need to uncover the leak to see the actual amount of pipe needing repair.

Sasanna Tolmachoff  
Project Coordinator

**BAKERSFIELD**

• **FRESNO**

• **MODESTO**

• **WALNUT CREEK**



CIN

RECEIVED

AUG 11 1999

DEPARTMENT OF COMMUNITY HEALTH  
ENVIRONMENTAL HEALTH SYSTEM



**VERDUGO CONSTRUCTION**

879 BUREM LANE  
LINDSAY CA, 93247  
LIC.#585866  
(559) 562-1017  
(559) 562-1017

Fresno County Environmental Health  
1221 Fulton Mall  
Fresno, Ca. 93775  
ATTN: Harry Yee  
Re: Valley Gas  
2139 S. Elm Ave. Fresno, Ca. 93706

August 09, 1999

At this location all I did was change the turbine check valve and tightened the union going off of the turbine. This line had already been tested by underground tank testers and it had passed the line test but they wanted to make sure it would work right after they started it back up and that is why I was called in to check it out. We started the pump and made sure the leak detector was opening so we could pump fuel and tried it several times everything was normal.

Sincerely,  
George Verdugo